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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LUGO, CARLOS

ART UNIT PAPER NUMBER

3677

DATE MAILED: 10/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/022,674

Applicant(s)

SPURR ET AL.

Examiner

Carlos Lugo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

- Element 33 (Figure 1B) is not described in the specification.

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The

disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because the use of the word "means". Correction is required. See MPEP § 608.01(b).

3. The specification is objected to because of the following informalities:

- Paragraph 24 Line 4, change "4" as --44--.
- Paragraph 32 Line 1, add --"S"-- after "south pole".
- Paragraph 32 Line 1, add --"N"-- after "north pole".
- Paragraph 81 Line 2, change "26" as --326--.
- Paragraph 82 Line 5, change "332" as --322--.
- Paragraph 83 Line 5, change "64" as --364--.
- Claim 2 Line 2, add --power-- before "control".
- Claim 5 Line 3, add --power-- before "control".
- Claim 6 Line 1, add --power-- before "control".
- Claim 8 Line 2, add --power-- before "control".
- Claim 16 Line 2, add --power-- before "control".
- Claim 17 Line 2, add --power-- before "control".
- Claim 19 Line 1, add --power-- before "control".

Appropriate correction is required.

***Claim Objections***

4. **Claims 8-10 are objected** to under 37 CFR 1.75(c) as being improperly multiple depended. It should say "any one of the preceding claims".

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.
6. **Claims 5,11-13,15 and 19 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation "the first position" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the rest position" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the release position" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claims 12 and 13 are rejected because they depend from claim 11.

Regarding claim 19, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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8. **Claims 1,2,4-6,8<sup>11</sup>,12 and 19 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 4,802,350 to Periou.

Regarding claim 1, Periou discloses a latch arrangement including a latch (1), a manually actuable element (13,14,16 and 17), a release mechanism (9,12 and 19) and a power control means (15,32 and 33). The latch is operable to releasably retain a striker (2) in use.

The release mechanism is capable of being moved by the manually actuable element from a latched position to an unlatched position, wherein it unlatches the latch. The power control means includes a first, second and third conditions.

At the first condition, the power control means is in a non-powered condition and actuation of the manually actuable element does not cause the release mechanism to unlatch the latch (Col. 4 Lines 48-51).

At the second condition, the power control means is in a powered condition and actuation of the manually actuable element does not cause the release mechanism to unlatch the latch (Col. 4 Lines 51-57).

At the third condition, the power control means is in a non-powered condition and actuation of the manually actuable element causes the release mechanism to unlatch the latch (Col. 2 Lines 31-35).

As to claim 2, Periou discloses that a part of the release mechanism is retained in a locked position by the power control means to provided a lock condition of the latch (Col. 4 Lines 48-51).

As to claim 4, Periou discloses that the release mechanism is retained by a pawl or sliding bolt (33).

As to claim 5, Periou discloses that the part of the release mechanism is a lock/unlock lever, which is retained in the first position by the control means to provide for the lock condition and is allowed to move to a second position to provided for the unlocked condition.

As to claim 6, Periou discloses that the control means includes an electromagnet (51,52,53 and 54) to retain part of the release mechanism in the unlocked position.

As to claims 8-10, Periou discloses that the power control means includes a magnetic pawl or sliding bolt (33) moveable between a locked and an unlocked position by the electromagnet.

As to claim 11, Periou discloses that the release mechanism is designed to return to a rest position from a release position upon release of the manually actuatable element.

As to claims 12, Periou discloses that the release mechanism is biased to the rest position by resilient means (10 and 20).

As to claim 18, Periou discloses that the latch is moveable between a latch and a release position by a power release actuator.

As to claim 19, Periou discloses the uses of a coded key (57).

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***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claim 3 is rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 4,802,350 to Periou.

Periou discloses that a second embodiment having a release mechanism (9,39,42 and 46) is retained by magnetic attraction of the power control means (Col. 5 Lines 38-66).

It would have been obvious to one having ordinary skill in the art at the time the invention was made because it will not affect the retaining of the release mechanism.

***Allowable Subject Matter***

11. **Claims 7,13-17 would be allowable** if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents cited further show the state of the art with respect to latch arrangements.



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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo. The examiner phone number is (703)-305-9747. The fax number for correspondence before a final action is (703)-872-9326 and the fax number for correspondence after final action is (703)-872-9327. The email direction of the examiner is carlos.lugo@uspto.gov. The examiner can normally be reached on Monday to Friday from 9:30am to 6:30pm (EST). If the examiner is not available, please leave a message, including the application number and the examiner will answer the message as soon as possible.

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October 21, 2002



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